
No. 95-2094WM

United States of America, *
 *
 Appellee, *
 * Appeal from the United States
 * District Court for the Western
 * District of Missouri.
 *
 *
v. *
 *
Frank R. Peerman, also known *
as Barron Richard Hynes, * [UNPUBLISHED]
 *
 *
 Appellant. *

Submitted: November 14, 1995

Filed: January 29, 1996

Before FAGG, and BRIGHT, Circuit Judges, and DUPLANTIER,* District
Judge.

PER CURIAM.

Frank R. Peerman appeals his drug-related convictions for conspiracy, attempt to possess with intent to distribute, and use of a firearm in relation to a drug-trafficking offense.

Peerman contends the evidence is insufficient to support his convictions for conspiracy and attempt to possess with intent to distribute. We reject his contentions. Peerman also contends there was plain error in the language of the attempt instructions given by the district court. Again, we reject his contention.

*The HONORABLE ADRIAN G. DUPLANTIER, United States District Judge for the Eastern District of Louisiana, sitting by designation.

Peerman also contends the evidence is insufficient to support his drug-related firearm conviction. Our decision is guided by the Supreme Court's recent decision in Bailey v. United States, 116 S. Ct. 501 (1995). In light of Bailey, the Government concedes the use of a firearm conviction should be reversed. We agree.

We thus affirm the drug convictions and reverse the firearm conviction.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.